

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAVID GEVAS, B 41175)	
)	
Plaintiff,)	
v.)	No. 08 C 3074
)	
TERRY McCANN, et al.,)	Judge Guzman
)	
Defendants.)	

PLAINTIFF'S MOTION IN LIMINE NO. 4

NOW COMES the Plaintiff, by his attorney, BARBARA J. CLINITE, and pursuant to the Federal Rules of Evidence and Federal Rules of Civil Procedure, moves this Honorable Court in limine for an Order precluding the Defendants, their attorneys, and witnesses, from placing before the jury any evidence, facts, argument, remarks or comments concerning the following:

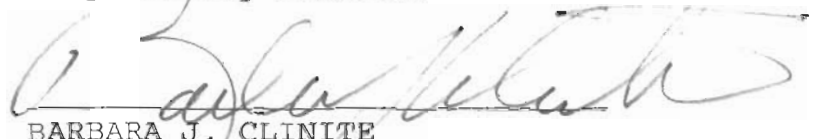
Any facts relating to the Defendants' ability or inability to pay an award of compensatory damages, and the effect a compensatory award might have on Defendant financially.

Such facts would be irrelevant, and highly prejudicial. None of the Defendants would have to pay a compensatory award from their own funds. Either insurance or indemnification by the State would avoid that need.

Since the State of Illinois indemnifies the Defendants, their individual financial conditions are irrelevant. Joseph v. Brierton, 739 F.2d 1244, 1248 (7th Cir.1984)

WHEREFORE, the Plaintiff respectfully requests that the Court enter an Order precluding the defense from mentioning, commenting upon, arguing or otherwise conveying such facts to the jury, without first seeking leave of court outside the jury's presence.

Respectfully submitted,



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PROOF OF SERVICE

The undersigned, as attorney, hereby certifies that on
JUNE 2 2011 I caused to be electronically filed the
Plaintiff's MOTION IN LIMINE NO. 4 with the Clerk of the Court
using the CM/ECF system which will send notification of such
filing to the following:

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